

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RALPH TANCREDI, EDWARD ARCE,  
WILLIAM C. DUFFELMEYER, ARTHUR  
MARINELLI, STEVEN HEISLER, JEFF  
NARDI, STEPHEN CARPINIELLO, PETER  
DeVITTORIO, MICHAEL MARINELLI and  
MICHAEL WALTHER,

Plaintiffs,

- against -

STEPHEN MALFITANO, individually,  
JOSEPH CANNELLA, individually,  
THOMAS SCAPPATICCI, individually,  
DOMINICK PASCALE, individually,  
DAVID HALL, individually, and the  
TOWN/VILLAGE OF HARRISON, New York,

Defendants.  
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**Civil Action No. 07-9617  
(WAC) (LMS)**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed affidavits of Stephen Malfitano, Joseph Cannella, Thomas Scappaticci, Dominick Pascale and David Hall and exhibits thereto and Memorandum of Law and all other papers filed herein, the Defendants, Stephen Malfitano, Joseph Cannella, Thomas Scappaticci, Dominick Pascale and David Hall and Town/Village of Harrison, by their attorneys, Bond Schoeneck & King, PLLC, will move before this Court before the Honorable William C. Conner, United States District Court Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on a date and time to be determined by the Court for an order pursuant to Rule 12(b)(6) and/or Rule 56 of the Federal Rules of Civil Procedure dismissing the complaint and/or an order granting the individual defendants immunity from suit and any other relief this Court deems appropriate, equitable and proper.

PLEASE TAKE FURTHER NOTICE that any answering papers must be filed by February 15, 2008. Any reply shall be filed on or before February 25, 2008.

Dated: Garden City, New York  
January 25, 2008

Respectfully submitted,

Bond, Schoeneck & King, PLLC

By: s/Mark N. Reinharz  
Mark N. Reinharz (6201)  
Attorneys for Defendants,  
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Suite 200  
Garden City, New York 11530  
(516) 267-6320

To:

Jonathan Lovett, Esq.  
Lovett & Gould, LLP  
222 Bloomingdale Road  
White Plains, NY 10605

## CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2008, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic service upon the following parties and participants:

Jonathan Lovett, Esq.  
222 Bloomingdale Road  
White Plains, New York 10605  
Attorney for Plaintiff

s/ Mark N. Reinharz  
Mark N. Reinharz (6201)  
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